

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 10883   Permit 6435   License 3918

**ORDER AMENDING LICENSE BY ADDING AN ANNUAL AMOUNT,  
MEASURING AND MONITORING REQUIREMENTS AND REVISED  
LICENSE TERMS**

**WHEREAS:**

1. License 3918 was issued to Crystal Crag Water and Development Association on May 6, 1954 pursuant to Application 10883 and was recorded with the County Recorder of Mono County on May 14, 1954.
2. Crystal Crag Water and Development Association also own License 2792 (Application 5776) and License 2745 (Application 9781) which authorize diversions from Cold Water Creek.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 3918 on September 21, 1999. This inspection found that the maximum daily diversion rate had been exceeded on 34 days in 1998.
4. The State Water Resources Control Board (SWRCB) has determined that in order to ensure compliance with License 3918, a term limiting the total quantity of water diverted under this license and the two licenses (License 2192 [Application 5776] and License 2745 [Application 9781]), and a term requiring measuring and monitoring of diversions are necessary.
5. The SWRCB will add a term allowing the licensee to divert an equivalent of the authorized continuous flow allowance for any 7-day period in a shorter time, provided no interference with other rights or instream beneficial uses.
6. The SWRCB will also add its standard continuing authority and water quality objective terms and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

License 3918 is amended to include the following changes, corrections and new or revised terms and conditions:

1.     The point of diversion authorized by this license is corrected as follows:

By California Coordinates, Zone 3, North 400,100 and East 2,437,067, being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 22, T4S, R27E, MDB&M.

2.     The following limitation on the total annual amount of water diverted under this license and the two other licenses held by the Crystal Crag Water and Development Association is added as follows:

The total quantity of water diverted under this license, License 2192 (Application 5776) and License 2745 (Application 9781) shall not exceed 11 acre-feet per year.

3.     The following measuring device and monitoring requirement of the amounts diverted under this license are added as follows:

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, that is capable of measuring the cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

4.     The following term is added as follows:

An amount equivalent to the continuous flow allowance for any 7-day period may be diverted in a shorter time provided there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

5.     The continuing authority condition, is updated as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect

public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

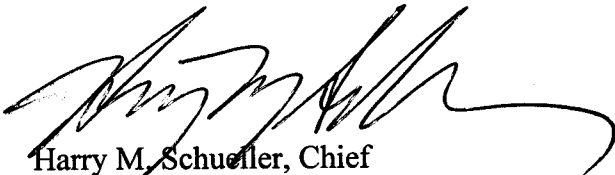
6. The water quality objectives condition, is updated as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges that have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7.     An endangered species term is added as follows:

This license does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated:     JUL 26 2000



Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
**ORDER**

Application 10883 Permit 6435 License 3918

**ORDER AMENDING LICENSE**

**WHEREAS:**

1. License 3918 was issued to Crystal Crag Water and Development Association and recorded at the office of the Mono County Recorder on May 14, 1954.
2. License 3918 confers upon Crystal Crag Water and Development Association an appropriative right to use water from Cold Water Creek tributary to Lake Mary in Mono County.
3. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
4. The License was issued without referencing compliance with Section 5937.
5. Since amendment of License 3918 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

**NOW, THEREFORE, IT IS ORDERED THAT:**

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: - JUNE 16 1997

  
Walt Pettit  
Executive Director

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 10883

PERMIT 6435

LICENSE 3918

ORDER ALLOWING CHANGE IN PLACE OF USE AND  
CORRECTING POINT OF DIVERSION

WHEREAS:

1. License 3918 was issued to Crystal Crag Water and Development Association and was filed with the County Recorder of Mono County on May 14, 1954.
2. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. An inspection was made on August 27, 1982 and it was determined that the description of the point of diversion should be corrected. This correction is needed to agree with the quad map.
4. The USGS 15' Quadrangle maps Devils Post Pile and Mount Morrison 1953 editions shows the point of diversion as being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 22, T4S, R27E, MDB&M. License 3918 describes the same point of diversion as being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T4S, R27E, MDB&M. A correction in the description of the point of diversion under said license is needed to conform the description with the location on the quadrangle maps.
5. The State Water Resources Control Board has determined that said correction in the description of the point of diversion and change in place of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:

South 51° East 7,500 feet from W $\frac{1}{4}$  corner of Section 16, T4S, R27E, MDB&M, being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 22, T4S, R27E, MDB&M.

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2. The place of use under this license shall be as follows:

Within the service area of Crystal Crag Water and Development Association. The service area consists of Lake Mary Summer Home Tract, Lake Mary Resort and Crystal Crag Lodge with a total of 51 service connections. The total amount of water diverted under this license and in combination with Licenses 2192 (Application 5776) and 2745 (Application 9781) shall not exceed 26,500 gallons per day.

Dated: APRIL 9 1985

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 10883

PERMIT 6435

LICENSE 3918

THIS IS TO CERTIFY, That *Crystal Crag Water and Development Association*  
c/o Don Camphouse, President  
1770 Oakwood Avenue  
Arcadia, California

*has* made proof as of August 29, 1952,  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
Cold Water Creek in Mono County

tributary to Lake Mary thence Mammoth Creek

for the purpose of domestic use

under Permit 6435 of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from September 20, 1944;  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed twenty-five thousandths  
(0.025) cubic foot per second to be diverted from about May 1 to about November 1  
of each year.

The point of diversion of such water is located south fifty-one degrees east (S51°E)  
six thousand six hundred (6600) feet from W $\frac{1}{4}$  corner of Section 16, T 4 S, R 27 E,  
MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 21, T 4 S, R 27 E, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Lots 1, 3, 5, 8, 9, 15, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 34,  
and 36 of Lake Mary Tract; Lake Mary resort, Site C and Crystal Crag Lodge,  
all being within NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 16, T 4 S,  
R 27 E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance  
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or  
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.



*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

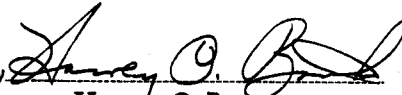
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

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Witness my hand and the seal of the Department of Public  
Works of the State of California, this 6th  
day of May, 1954

A. D. EDMONSTON, State Engineer

By   
HARVEY O. BANKS  
Assistant State Engineer



LICENSE 3918

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Crystal Crag Water and  
Development Association

DATED

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